Amendments to the Drawings:

The attached two sheets of drawings each labeled 'Replacement Sheet' include changes to Figures 1 and 2. Figures 1 and 2 have been amended to include labels corresponding to each component in the figure.

REMARKS/ARGUMENTS

Claims 1-14 and 22-27 are pending in the application. Claims 15-21 have been cancelled and new Claims 22-27 have been added. Claims 1, 8 and 22 are independent claims.

I.   Remarks/Arguments with Respect to the Drawings

The Office Action indicates that reference character 620 in figure 6 is not mentioned in the specification. However, the Application currently has four figures. The specification does not make reference to either figure 6 or reference character 620. Therefore, Applicant respectfully requests that the Examiner withdraw the objection for failure to comply with 37 CFR 1.84(p)(5).

The Examiner has objected to the drawings under 37 CFR 1.84(n)-(o) for failing to describe each numbered element in the figures, causing the need to consult the detailed specification for a complete understanding of the figures. Applicant has amended Figures 1-2 to include a brief description of each numbered element in the figure. No new matter has been added. Therefore, Applicant respectfully requests that the Examiner withdraw the objection for failure to comply with 37 CFR 1.84(n)-(o).

II.   Remarks/Arguments with Respect to the Rejection Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1, 8 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 7 and 13 of U.S. Patent 6,418,437. Applicant has submitted herewith a Terminal Disclaimer To Obviate A Double Patenting Rejection Over a Prior Patent. In view of the Terminal Disclaimer, Applicants respectfully requests that Claims 1 and 8 be reconsidered and the rejections be withdrawn. The rejection to Claim 15 is now moot, as Claim 15 has been cancelled.

III.   Remarks/Arguments with Respect to the Rejections under 35 U.S.C. §103

Applicant notes that none of the pending claims were rejected as anticipated under 35 U.S.C. § 102. Instead, Claims 1, 6-8 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,812,849 to Nykiel et al. (*"Nykiel"*) in view of U.S. Patent 6,192,365 to Draper et al. (*"Draper"*). Claims 5, 12, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Nykiel* in view of *Draper* and further in view of U.S. Patent 5,072,367 to Clayton et al. (*"Clayton"*). Claims 13 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nykiel* in view of *Draper* and further in view of U.S. Patent 6,058,389 to Chandra et al. (*"Chandra"*). Finally, Claims 14 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nykiel* in view of *Draper* and further in view of U.S. Patent 5,870,758 to Bamford et al. (*"Bamford"*). As all of the obviousness rejections depend on at least the combination of *Nykiel* and *Draper*, Applicant will primarily address those two references.

A.   Rejection of Claims 1, 6, 7, 8 and 15 under 35 U.S.C. §103(a)

As previously stated, Claims 1, 6-8 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nykiel* in view of *Draper*. Applicant submits that, contrary to MPEP §2143, the Examiner has failed to make out a *prima facie* case of obviousness in that the Examiner has (1) failed to cite references that teach or suggest all of the elements recited in the rejected claims; (2) failed to show or cite where in the prior art there is a suggestion or motivation to combine the references; (3) failed to show or cite where in the prior art there exists a reasonable expectation of success to combine reference teachings.

Independent Claim 1 is similar to independent Claims 8 and 15, and reads as follows:

"A method for obtaining and maintaining storage information related to storage characteristics of a table in a database, comprising:

baselining a table contained in the database, wherein the storage information is obtained

making an entry into a transaction log, wherein the entry contains the storage information;

retrieving the storage information from the transaction log; and

periodically updating the storage information by monitoring subsequent entries in the transaction log."

Contrary to the features recited by independent Claim 1, *Nykiel* and *Draper* do not teach, hint, or suggest baselining a portion of a database to obtain information related to storage characteristics and then placing that storage information into a transaction log. Moreover, neither reference teaches retrieving storage information placed within the transaction log and then periodically updating the storage information by monitoring subsequent entries into the transaction log.

Nykiel teaches a software development system used to make large scale changes to highly connected and interrelated software and data files. In its description, *Nykiel* does not make a single reference or suggestion to using its disclosed system for the purpose of obtaining information that is useful when performing a storage analysis of a database. Instead, *Nykiel* states that "it is the objective of the present invention to provide a redevelopment system which offers a complete technical solution for conducting large scale changes to highly connected and interrelated software systems, and thereafter to provide an integrated component for changes which arise in the future." (Col. 1, lns. 44-49).

One of the initial steps in providing the redevelopment system taught by *Nykiel* is to create a "redevelopment database" containing relational information and resource information about a plurality of software objects. (Col. 1, ln. 65 – Col. 2, ln. 3.). As shown in Figure 3, the redevelopment database is "loaded with specific system information 122 contained in the [Data

Center Control System] 124. The [Data Center Control System] information is placed into the baseline tables 126 and user created tables 128 of the redevelopment database 120." However, it is not clear whether *Nykiel* teaches "baselining" a particular table of a database to generate storage information, or even whether the "specific system information" loaded into the "baseline tables" constitutes "storage information." Nonetheless, as the examiner pointed out, *Nykiel* does not teach or suggest at least the following steps of the independent claims: "making an entry into a transaction log, wherein the entry contains the storage information; retrieving the storage information from the transaction log; and periodically updating the storage information by monitoring subsequent entries in the transaction log." Office Action of 3/16/05, p. 5-6. For at least those reasons, *Nykiel* does not teach or suggest each element of the independent claims.

Draper, on the other hand, relates to, among other things, a method of using a transaction log to synchronize multiple versions of a database residing on different computers. In the context of the *Draper* reference, a transaction log is a chronological record of operations that occur on a database. For example, if an object were added to a database, the transaction log associated with that database would be modified and an entry would be made into the transaction log reflecting that an object was added to the underlying database. Essentially, *Draper* teaches comparing the transaction logs for two different versions of a database for inconsistencies and, in the event of an inconsistency, taking measures to resolve those inconsistencies.

However, *Draper* does not teach or suggest entering "*storage information,*" as used within the context of Claim 1 of the pending Application, into a transaction log. As used in the pending Application, "*storage information*" includes information relating to the characteristics of a database, such as the number of rows in the table, the average length of a row, the number of chained/migrated rows, and the average free space per page in the table. Such "*storage*

information" is calculated as a result of a database being "baselined." As the *Draper* reference does not teach or suggest baselining a database to calculate storage information such as the total number of rows in a table, *Draper* fails to teach or suggest "making an entry into a transaction log, wherein the entry contains the *storage information*" as required by Claim 1. For that same reason, *Draper* also does not teach or suggest other elements of Claim 1, including "retrieving the *storage information* from the transaction log" or "periodically updating the *storage information* by monitoring subsequent entries in the transaction log."

From the foregoing, it is readily apparent that *Nykiel* and *Draper*, whether taken separately or together, do not teach, hint, or suggest the features recited by independent Claims 1 and 8 of the present invention. Accordingly, Claims 1 and 8 should be allowed. Likewise, dependent Claims 6 and 7, which refer back to the independent claims and were also rejected on the basis that it would be obvious to combine *Nykiel* and *Draper*, should therefore also be allowed. Applicant respectfully requests that the rejection of these claims be withdrawn. The rejection to Claim 15 is now moot, as Claim 15 has been cancelled.

In addition to *Nykiel* and *Draper* not teaching or suggesting all the elements recited by independent Claims 1, 8 and 15, the Examiner has failed to show or cite where in the prior art there is a suggestion or motivation to combine the references. Section 2143 of the MPEP requires that the teaching or suggestion to combine references must be found in the prior art, not in the Applicant's disclosure. Section 2143 also states that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. Finally, the MPEP notes that a statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art is not sufficient to establish a *prima facie* case of obviousness without

some objective reason to combine the teaching of the references. That is, the level of skill in the art cannot be relied upon to provide the suggestion to combine references.

As mentioned above, the Examiner has correctly noted that *Nykiel* does not teach or suggest using storage information obtained from a "baselining" procedure in connection with a transaction log. In addition, *Draper* teaches a transaction log, but makes no reference or suggestion to associating its transaction log with storage information obtained via baselining a database. Since neither *Nykiel* nor *Draper* include a suggestion or motivation to make the asserted combination, the Examiner has failed to make out a *prima facie* case of obviousness.

The present invention requires the combination of two separate skills, baselining a database to obtain storage information and utilizing a transaction log so as to avoid the need to access the associated database itself. The present invention combines those two skills in a manner that is not suggested by *Nykiel* nor *Draper*. Therefore, Applicant respectfully requests that the rejection of independent Claims 1 and 8 and dependent claims 6-7 depending thereon be withdrawn. The rejection to Claim 15 is now moot, as Claim 15 has been cancelled.

Finally, as required by § 2143 of the MPEP, the Examiner has failed to show or cite where in *Nykiel* and *Draper* there exists a reasonable expectation of success if the reference teachings are combined. As pointed out above, the Examiner has correctly noted that *Nykiel* does not teach using storage information obtained from a "baselining" procedure in connection with a transaction log, and *Draper* makes no reference or suggestion to associating its transaction log with storage information obtained via baselining a database. If there is no motivation to combine found in the references, clearly the references cannot show or even implicate a reasonable expectation of success, which is required to make out a *prima facie* case of obviousness. Therefore, Applicant respectfully requests that the rejection of independent Claims

1 and 8 and dependent Claims 7-8 depending thereon be withdrawn. The Examiner did not cite

Clayton as showing the claim limitations missing from the combination of *Nykiel* and *Draper*.

The rejection to Claim 15 is now moot, as Claim 15 has been cancelled.

B.   Rejection of Claims 5, 12 and 19 under 35 U.S.C. §103(a)

The Examiner has also rejected dependent Claims 5, 12, and 19 under 35 U.S.C. 103(a)

as being unpatentable over *Nykiel* in view of *Draper* and further in view of *Clayton*. However,

for the same reasons as stated above with reference to the rejection of the independent claims,

Applicant respectfully requests that the rejection of dependent Claims 5 and 12 be withdrawn.

More specifically, neither *Nykiel*, *Draper*, nor *Clayton*: (1) teach or suggest all the limitations of

the independent claims from which Claims 5 and 12 depend, (2) suggest a motivation to combine

the references, or (3) demonstrate a reasonable expectation of success if the reference teachings

are combined. The Examiner did not cite *Clayton* as showing the claim limitations missing from

the combination of *Nykiel* and *Draper*. The rejection to Claim 19 is now moot, as Claim 19 has

been cancelled.

C.   Rejection of Claims 13 and 20 under 35 U.S.C. §103(a)

The Examiner has also rejected dependent Claims 13 and 20 under 35 U.S.C. §103(a) as

being unpatentable over *Nykiel* in view of *Draper* and further in view of *Chandra*. However, for

the same reasons as stated above with reference to the rejection of the independent claims,

Applicant respectfully requests that the rejection of dependent Claim 13 be withdrawn. More

specifically, neither *Nykiel*, *Draper*, nor *Chandra*: (1) teach or suggest all the limitations of the

independent claims from which Claim 13 depends, (2) suggest a motivation to combine the

references, or (3) demonstrate a reasonable expectation of success if the reference teachings are

combined. The Examiner did not cite *Chaudra* as showing the claim limitations missing from

the combination of *Nykiel* and *Draper*. The rejection to Claim 20 is now moot, as Claim 20 has been cancelled.

D. Rejection of Claims 14 and 21 under 35 U.S.C. §103(a)

The Examiner has also rejected dependent Claims 14 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Nykiel* in view of *Draper* and further in view of *Bamford*. However, for the same reasons as stated above with reference to the rejection of the independent claims, Applicant respectfully requests that the rejection of dependent Claim 14 be withdrawn. More specifically, neither *Nykiel*, *Draper*, nor *Bamford*: (1) teach or suggest all the limitations of the independent claims from which Claim 14 depends, (2) suggest a motivation to combine the references, or (3) demonstrate a reasonable expectation of success if the reference teachings are combined. The Examiner did not cite *Bamford* as showing the claim limitations missing from the combination of *Nykiel* and *Draper*. The rejection to Claim 21 is now moot, as Claim 21 has been cancelled.

IV. Remarks/Arguments with Respect to the Objections to Claims 2-4, 9-11 and 16-18

The Examiner has objected to Claims 2-4, 9-11 and 16-18 because they are dependent upon a rejected base claim. However, for the same reasons as stated above with reference to the rejection of the independent claims, Applicant respectfully requests that the objection to dependent Claims 2-4 and 9-11 be withdrawn because they depend from independent Claims 1 and 8, which are patentable for the reasons noted above. The objection to Claims 16-18 is now moot, as Claims 16-18 have been cancelled.

V. Remarks/Arguments with Respect to Newly Added Claims 22-27

Applicant has added new Claims 22-27. Claim 22 is written as an article of manufacture claim and includes the additional limitations found in Claims 2 and 9 that the Examiner has

indicated contain allowable subject matter. Support for the new claims can be found at least at page 11, lines 1-12 of the Application. No new subject matter has been added. Claims 23-27 are dependent on Claim 22. Applicant respectfully requests that independent Claim 22 and dependent Claims 23-27 depending thereon be allowed for the same reasons that the Examiner considered in deeming Claims 2 and 9 to have allowable subject matter.
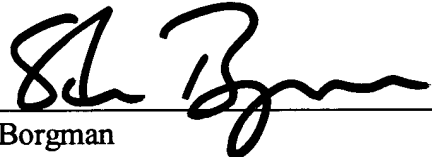
CONCLUSION

Applicant believes this reply to be fully responsive to all outstanding issues and places this application in condition for allowance. Reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned attorney at 713-758-2002 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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Attachments